Chapter VIII. Land Administration.

Kánara Proper, 1250-1560.

The revenue history of Kánara proper has been traced by Sir T. Munro and others from very early times. Sir T. Munro derived his information from ancient title-deeds or *sanads* and accounts written in black books or village registers.[1] He had great faith in these black books, but almost all have been lost, and those which remain are not easily deciphered. One-sixth of the crop is said to have been the share exacted by Government from time immemorial,[2] till, in A.D. 1252, a prince of the Pandyan race whose capital was at Madhura, conquered the country.[3] Before his time the sixth was paid in rough-grain, but he required it to be delivered free from the husk, and thereby increased the revenue by ten per cent. This system continued till A.D. 1336 when the country came under the Vijayanagar dynasty. Harihar-Rái, the first prince of that dynasty, made a new assessment on the principles laid down in the sacred books, which suppose the produce to be to the seed as twelve to one, and which prescribe the proportions into which the produce is to be divided between the sovereign, the landlord, and the cultivator. Colonel Wilks thus describes the manner of distribution:[4] 'Thirty is the whole number on which the distribution is made, of which it is calculated that fifteen or one-half is consumed in the expenses of agriculture and in the maintenance of the farmer's family. The distribution of the remaining fifteen stands thus: To the sovereign one-sixth of the gross produce or five parts, to the Bráhmans one-twentieth or one and a half parts, and to the gods one-thirtieth or one part. This left to the proprietor one-quarter or 7½ parts.' The sovereign distributed the share payable to the Bráhmans and the gods. Munro states that the share actually allowed was little more than one out of the thirty instead of two and a half, the curtailment being made on the ground that the Bráhmans held lands which were not accounted for. Before the conquest by the Vijayanagar dynasty the revenue was collected sometimes in money and sometimes in kind, but Harihar-Rái's minister made rules for the conversion of the grain payment to a money payment. The average assessment paid by holders was £20 (*Pagodas* 50) but some paid as much as £2000 (*Pagodas* 5000).

Harihar-Rái's system remained unaltered till 1618, when an

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[1] These black books are the village registers. They are three to four inches thick. The leaves are a sort of coarse cloth of the substance of paste-board, and dyed black. They are written with a sort of slate pencil, which does not rub though it will wash out. Mr. Stewart, 1146 of 1865.

[2] From the remotest times of which there is any record till near the middle of the fourteenth century all land was assessed in rice at a quantity equal to the quantity of paddy sown, that is a field which required ten *khandis* of paddy to sow paid ten *khandis* of rice to the *sirkár*. The measure then in use was called a *hutti*, which contained forty *hanis* of eighty rupees weight; a *hutti* was therefore equal to three thousand and two hundred rupees weight. The rent of three such *huttis* of land was three *huttis* of rice, or one *ghetti pagoda* of the same value as the Bahádur or Haidar's *hun* now is. The revenue was sometimes collected in kind, sometimes in money, at the discretion of the government, and probably as the state of prices rendered the one or the other most advantageous. Sir T. Munro to the Board of Revenue, 31st May 1800.

[3] Wilks' South of India, I. 152; Munro, 31st May 1800. Where these authorities differ, as they do on some minor matters, Colonel Wilks, who wrote later and had access to the Mackenzie Manuscripts and other papers, is followed.

[4] Wilks' South of India, I. 153.

additional assessment of fifty per cent was imposed by one of the Bednur princes. In 1660 a tax was put on cocoanuts and other fruits which before had paid nothing exclusive of the land-rent. The Vijayanagar assessment, with these additions, was considered the standard rent or *rekha* of all lands cultivated or waste. This assessment is also called *shist*, and as such is distinguished in the accounts. According to the above calculations what was levied by Government would amount to one-third of the gross produce; but it was taken only at a rough estimate of the seed sown and was considered light. The people are represented as happy and prosperous under it, there were no outstanding balances and land was saleable at eight to ten and sometimes at twenty-five to thirty years' purchase.[1]

Bednur, 1618-1763.

Until the end of the Bednur rule cesses were constantly imposed, being fixed at a percentage of the standard assessment. In 1763 when Haidar got possession of the country he ordered an investigation of every source of revenue with the view of augmenting it as much as he could. The additions made by him and by Tipu were numerous; but they could not all be collected. Some indeed were suggested by the officers with the view of involving the accounts in confusion, so that they might have an opportunity of embezzling with more safety. The whole administration of Haidar and Tipu is described as a series of attempts to discover how much assessment the province could bear. The result of this system was that population was diminished by one-third;[2] the ancient proprietors were

Maisur, 1763-1799.

[1] Whatever proportion the assessment might have borne to the gross produce in 1763, at the time of the conquest of Kánara by Haidar, it still seems to have been sufficiently moderate to have enabled the country, if not to extend its cultivation, at least to preserve it in the same flourishing state in which it had been in earlier times. Where districts were in a decline it was not caused by the land-rent but had been the consequence of the diminution of their population during the frequent revolts of their numerous petty chiefs or *páligárs*, or it had been occasioned by temporary acts of oppression, for the rájás of Bednur, though they adhered to the principle of a fixed land-rent, frequently permitted their favourites and dependants, when placed in the management of districts, to ruin many of the principal inhabitants by the exaction of exorbitant fines under various pretences. From these and other causes, in many parts of the country there were tracts of waste land which paid no rent and which could not be sold; but the lands which were occupied could, for the most part, be sold at the rate of one to eight or ten years' purchase of the Government rent. Under the Bednur princes some fields were sold at as high as twenty-five and thirty years' purchase; therefore the outstanding balances which afterwards were so common in Kánara were almost unknown. It was thought unnecessary to keep annual details of the state of cultivation. It was never inquired what portion of his estate a landlord cultivated or left waste. It was expected that, in whatever state they were, he was to pay the whole rent. When, as was sometimes the case, he failed to pay, even where it could be done, it was not usual to sell the whole or part of his estate to make good the deficiency. This was looked upon as a harsh measure, and was seldom resorted to. The usual custom was to grant him time, to assist him with a loan of money, or to remit the debt. The village or district was scarcely ever assessed for individual failures. On the whole, the revenue was then easily realised and when there were at times outstanding balances they seem to have proceeded rather from mismanagement than from the operation of the land-rent. Sir T. Munro, 31st May 1800.

[2] Within the forty years ending 1800 the population of the country had been lessened by one-third and there was little doubt that its prosperity had suffered a greater reduction. Gersappa and Ankola, formerly flourishing places, contained (1800) only a few beggarly inhabitants. Honávar, once the second town in trade after Mangalor, had not a single house, and Mangalor itself was greatly decayed. It may be said that this change was brought about by the invasion of Haidar, by the four wars which hap-

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extinguished; and land had to be forced on the cultivators, those who were present being obliged to cultivate the lands of those who had absconded. Generally the people could not pay either the rent of their own or of the defaulters' lands and not more than half the nominal demand could be collected. Few would avow the extent of their estates, and frequently a portion was held in the name of an opulent relative, a revenue servant, or a temple. Only lands within a few miles of the sea were saleable.

The additional cesses imposed by the later Bednur princes and by the Maisur rulers were called *shámil* or extra, and were stigmatised as imposts or fines. The assessment of 1660 was alone regarded as land-rent.[1]

The Company, 1800. *Sir T. Munro, 1799-1800.*

Major Munro naturally disapproved of the course followed by Haidar and Tipu which had impoverished the people and rendered the country almost a desert. Still he did not deem himself at liberty

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pened since that event, by Tipu himself destroying many of the principal towns upon the coast and forcing the inhabitants to remove to Jumalabad and other unhealthy situations near the hills, by his seizing in one night all the Christian men women and children and sending them to the number of sixty thousand into captivity to Maisur for not one-tenth of them ever returned, by the prohibition of foreign trade, and by the general corruption of his government in all its departments. These circumstances certainly accelerated the change, but, all taken together, probably did not contribute so much to the change as the extraordinary augmentation of the land-rent. Sir T. Munro, 31st May 1800.

[1] The increase of land-rent was divided into extra assessments and new heads of revenue, because it was the extra assessments alone that added to the burthen of the landholders and exhibited the excess of the modern over the ancient assessment of the same lands. At the accession of British power this annual assessment was still written, not only in all general accounts, but in the accounts of every landholder. It was alone considered as the due of Government; all subsequent additions were considered as oppressive exactions. They were not called rent, but were stigmatised with the names of *chauth*, imposts, and fines, and distinguished by the names of the minister who first levied them. They were always opposed by the people. Sir T. Munro, 31st May 1800.

In addition to the *shist* or Bijápur standard rental, the chief cesses which were in force at the close of Bednur rule were: The *pugdi* or extra assessment of 1711. This was imposed by the wife of the rája, who was regent during the madness of her husband on the occasion of the marriage of her son Basvappa Náik; it was at the rate of one-sixteenth of the *shist* or standard rental, and for a few years was levied as a special payment or *nerah*, but soon came to be considered part of the regular assessment. The cess or *patti* of 1718 was imposed by the chief of Sonda for the purpose of discharging the Moghal tribute; it was at the rate of thirty per cent on all gardens, and 2½ to 12½ per cent on all rice fields. The *chakar* or extra assessment of 1720, was imposed in lieu of interest paid to the bankers who advanced the yearly instalments. In Bednur fifty per cent had always been paid by the middle of October, but only 12½ per cent in Kánara. The rája wished to regulate the Kánara instalments in the same way as in Bednur; but as from the lateness of their harvest the inhabitants were unable to comply, it was agreed that he should borrow the money, and that they should pay him as interest a half anna or one-thirty-second part additional on the standard rent. The extra cess of Basvappa Náik was levied in 1723 at the rate of one-tenth of an anna, or a hundred and sixtieth part of the standard rent, in order to erect *chutters* and feed pilgrims. The addition of 1758 was made by the *ráni* to discharge the arrears of the Marátha tribute. They had accumulated to so great a sum that she pretended she could not pay them without a levy from the inhabitants equal to one year's rent. To this demand the people refused to submit, and when she attempted to force compliance they rose in a body on the officials. The matter was at last settled by their consenting to pay fifty per cent in four years at the rate of 12½ per cent each year. In the fifth year, when it was to have been remitted, Haidar ordered this levy to be made permanent. Sir T. Munro to the Board of Revenue, 4th May 1800.

to depart widely from what he found established. He considered himself merely a Collector, and made no further reductions than such as were absolutely necessary to ensure the collection of the revenue, leaving it to the Board to grant any further reduction they deemed proper.[1] As the land had never been surveyed, and as fields were so mixed and divided that hardly any one but the owner knew their limits, Sir T. Munro thought it was impossible to judge of the rate of assessment without a survey. He accordingly started a survey in Barkur, which was to be stopped or continued as the Board thought fit. It does not appear to have been carried on, and all trace of it has been lost. In Major Munro's opinion, the Bednur assessment was as high as was consistent with leaving the land any sale value; but as Government had determined to introduce a permanent settlement and to abolish road customs and duties on grain, he did not think so great abatements were required. For Honávar and Ankola, which in his opinion were in a more desolate state than other parts of the district, he proposed the Bednur assessment. For the rest he proposed the Bednur assessment with twenty-five or thirty per cent of Haidar's additions.

The Board of Revenue were not prepared to enter into a consideration of Major Munro's suggestions for reducing the assessment in the proportion he pointed out; but the Governor in Council, being of opinion that the temporary assessment of the district should be in proportion to its productive powers, authorised the settlement for the year to be as proposed by Major Munro. At the same time it was laid down that the sacrifice should be headed Temporary Gratuitous Remission. It was also stated that the standard proposed by Major Munro did not appear an adequate revenue for Kánara with reference to the standard assessment; and it was observed with particular satisfaction that the proprietary right in the lands of Kánara had been derived from so remote a period, and that 'the existing knowledge and estimation of the value of those rights among the descendants of the original proprietors indicated the easy means of introducing a permanent system of revenue and judicature.'

Afterwards Major Munro stated that he had proposed greater reductions than he otherwise would have done under the idea that a permanent settlement was about to be introduced, and that since he last wrote he had been led to judge more favourably of Kánara, and would not propose so great reductions.[2] The landlord's rent was oftener above than below fifty per cent of the net produce, and ranged from fifteen to eighty per cent. He saw that without a survey or a register of the rent and produce of litigated estates it would not be possible to ascertain the capability of the lands, and that the standard assessment was unequal, and that the accounts had been falsified. He pointed out what he deemed should be the basis of a permanent settlement, showing that large proprietors were unknown in the district, and that small proprietors were as likely to pay regularly. He proposed a remission of 2½ per cent,

[1] Letter to Board, 4th May 1800. [2] Letter to Board, 9th November 1800.

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and that other reductions should be deferred till a permanent system was established; he remarked that many of the villages in Bilgi and Ankola and all in Sonda were in so desolate a condition that a permanent settlement of them would be made under great disadvantages, and recommended that it should be deferred for at least five years.[1] Afterwards,[2] in a letter in which, at the request of the Board of Revenue, he stated his views to the Collectors who succeeded him, Major Munro recommended caution in imposing a new assessment on lands which already paid the Bednur assessment and half of Haidar's additions, and thought that no more should be levied from any which paid the Bednur assessment and three-quarters of Haidar's additions. Both the Board of Revenue and Government approved of this advice.[3]

*Mr. Read, 1801-1816.*

In the annual reports of the settlement for the next ten years the resources of the district and the condition of the people were represented as improving.[4] Subsequently disturbances began, and Mr. Read, after attributing them to various causes, at length declared that more revenue was drawn from the country than it was able to bear. He was called upon for a more particular report, and stated[5] that the largest proportion of lands was rated at more than the regular assessment or *shist* and three-quarters of the extras or *shámil*, and that none were rated so low as the regular assessment or *shist* only. The reason of this was that, owing to the decline of agriculture, it was necessary to make up by an increase to low-rated lands the rents of lands which had been allowed to fall waste. He gave it as his opinion that the Government share should not exceed one-third of the gross produce, and showed grounds for believing that throughout lower Kánara Government were drawing thirty to fifty per cent of the gross produce, besides various cesses. This excessive demand, in Mr. Read's opinion, was the cause of the decline of agriculture. He afterwards expressed similar but more decided views.[6] He stated that thirty per cent of the gross produce was the utmost that should be demanded from estates below the Sahyádris; he pointed out the necessity of ascertaining the gross produce; and showed that the original and extra assessment were grossly unequal and were no guide in equalising the Government demand. As the share of the state was more than one-third of the gross produce, he recommended a net reduction of seven per cent below the hills and of four per cent above them.

*Mr. Harris, 1817-1822.*

Mr. Read was succeeded by the Honourable T. Harris. The Secretary of the Board of Revenue forwarded Mr. Harris a copy of a minute not then recorded, asking for any explanation which Mr. Harris or Colonel Munro who was then in the district might

[1] Munro often applies the name Sonda to the territory above the Sahyádris only. Bilgi was formerly a petty chiefship under a *páligár*.

[2] Letter to Collectors, 9th December 1800. On the transfer of Major Munro the district was divided into two charges, the northern division, corresponding to the present district of North Kánara, with the sub-division of Kundápur, being put under Mr. Read; the southern under Mr. Ravenshaw.

[3] Board's Letter, 22nd July 1804; Government Letter, 15th August 1804.

[4] Board's Proceedings, 16th September 1831, paragraph 17.

[5] Letter to Board, 1st January 1814. [6] Letter, 19th January 1814.

think necessary, to enable the Board finally to fix the maximum rate of assessment for Kánara.[1] The minute traced the history of revenue administration in Kánara; it stated that the result of Colonel Munro's moderation in fixing the maximum Government demand at the standard assessment or *rekha*, together with three-quarters of the extra cess or *shámil*, was a general improvement. The subsequent decline was attributed to the attempt to make up by a small increase on low rated lands the rent of other land which had passed out of tillage and to the attempt to levy the full amount of Haidar's additions.

On this minute Colonel Munro remarked that it was from the gradual cultivation of escheated estates that he expected the land-rent of 1799-1800 to be kept up, and that there could be no considerable increase of tillage unless the assessment of the neighbouring estates in cultivation was kept below Haidar's assessment. He adhered to his opinion that reductions were necessary. The land-tax need not always be maintained at the same amount; a moderate assessment should be adopted for each district, and no estates should pay more. He added that Kánara was more able to pay the assessment than when it came under British rule.

Mr. Harris[2] stated that the total assessment or *beriz* entered in the village papers or *pattas* was regarded as the limit of the Government demand. At the same time he showed that even in respect of the standard assessment or *shist* some landholders were assessed twenty per cent higher than their neighbours. The inequality was the result of corruption under native governments, and was so glaring that the system was one mass of oppression. His predecessors tried to correct it by the individual settlement of the rent on each man's estate, and he himself was guided by the productive powers of the land in confirming or decreasing the total assessment. He did not limit the demand to the original assessment together with three-quarters of the extras, because, as he showed, hundreds were assessed beyond that by Colonel Munro in his first settlement and continued to pay the higher amount.

On this the Board remarked that their object was not to equalise but to limit the Government demand.[3] Inequality, they said, is the result of different degrees of industry and good management, and an alteration of assessment would only produce alteration in the value of land and a want of confidence in that species of property to which the people were attached. They were of opinion that the best universal standard of greatest demand would be the average collections realised from each estate since the province had come under the British Government, and desired that, subject to the confirmation of Government, Mr. Harris' settlement for the current year should be founded on that basis. On a reference from Mr. Harris respecting certain cases in which the Board's principle would not work as it was intended, the Board issued further instructions, again declaring that their object was to fix on each estate a moderate limit to the public

[1] Letter, 28th April 1817. [2] Letter, 27th Aug. 1817. [3] Letter, 12th Dec. 1817.

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*Mr. Harris, 1817-1822.*

assessment.[1] Mr. Harris afterwards asked if the average collections on estates which had been assessed above Colonel Munro's maximum should be the limit for them, and the Board replied that it should.[2] The instructions which the Board had given to Mr. Harris were referred to Government for final orders and were approved and directed to be carried out in future settlements.[3]

Mr. Harris[4] reported the settlement for 1819-20 on the principle of the average of past collections in all sub-divisions except Ankola and Sonda. It was not at first intended to exclude these districts from the new settlement, but it was found impossible to carry it out through the whole district in one year.[5] At the same time it was stated that when settled by Major Munro, Sonda was almost a desert, and that in Ankola and Sonda the settlement would not afford the relief to over-assessed estates which was expected. The Board authorised Mr. Harris to settle Ankola and Sonda on the old principle for 1819-20; but expressed the hope that the new principle would be introduced in the next year.[6] This hope was not realised, as Mr. Harris was able to assign good grounds for not complying with the Board's directions. The absence of any accounts or trustworthy information regarding the territories which the Rája of Sonda ruled has already been mentioned. Under these circumstances Major Munro had arranged the assessment according to the actual condition of the country. The standard assessment or *rekha beriz* was adopted as an account to look up to, but the settlement was not made upon it. In fixing the annual demand no regard was paid to the actual area in cultivation or to the quantity of seed sown. Fresh lands had been brought into cultivation solely on the authority of the interested accountant. In 1801 Mr. Read began an inquiry into the gross produce of a few estates in Bilgi and Banavási, but the settlement with individual landholders was not begun till 1806. The settlement was then based on estimates framed by corrupt and interested village accountants. Owing to their pretended ignorance and the want of trustworthy accounts the settlement could not be made with each occupant, only with the principal landholders. For this reason the inequalities in the assessment exceeded anything known in South Kánara.

The only remedy which Mr. Harris could suggest was a survey. It would, he thought, lighten the assessment on many individuals, and yet would increase the total assessment by one-quarter.

*1822-1827.*

In 1822, Mr. Harris began an experimental survey in the Badangad village-group now in Sirsi, and promised to furnish the Board with the results. He afterwards explained in detail the principle on which he had proceeded.[7] The survey was called an inspection or *paháni*, which was said to be the form best suited to the usage of the

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[1] Letter, 12th December 1817; Letter, 29th December 1817.
[2] Letter, 19th September 1819; Letter, 1st September 1819.
[3] Proceedings of Board, 15th September 1831, para. 42.
[4] Letter to Board, 2nd August 1820; from Mr. Harris to Mr. Cameron, 27th December 1819.
[5] Mr. Harris to Board, 30th Dec. 1819.
[6] Proceedings, 28th Dec. 1820.
[7] Letter to Board, 27th May 1822.

country.[1] The Government assessment was taken at one-third the gross produce, and the increased revenue was said to be mostly derived from land under cultivation which was before unknown to be cultivated. The survey showed that in that part of the district the *shist* or standard was a certain space of land requiring a certain quantity of seed, and the extras or *shámils* were found to exist only in a delusive form in the accounts. The greatest inequalities and irregularities in the former assessments were brought to light. These the survey removed, and at the same time yielded a permanent increase to the revenue. Mr. Harris urged the extension of the survey on the same principle throughout Supa and Sonda, and forwarded a statement of the establishment he proposed for the purpose.[2] The assessment founded on the survey in Badangad was next year reported to have been realized without difficulty. The Collector was cautioned to be careful that the demand was moderate.[3] At the same time he was authorised to entertain an establishment to enable him to survey and assess the whole of the Ankola and the upland sub-divisions on the same principles.

In 1825 the survey and re-assessment of four other village groups in the upland sub-divisions were completed by Mr. Cameron,[4] and, except a few groups, the measuring of Ankola and of Supa and Sonda was completed by Mr. Cotton.[5] But doubts began to be felt of the propriety of taking one-third of the gross produce on all lands alike. Mr. Cotton[6] represented to Mr. Babington, and Mr. Babington represented to the Board of Revenue, that to take the same share of the gross produce from all left different husbandmen very different profits, and tended to make them throw up inferior lands. In Ankola and in the villages on the Marátha frontier an assessment on that principle might be realized. It was doubtful if it could be realized in the interior garden lands. These were much more costly to work, and besides the cost of working them paid a duty of thirty per cent on their produce. Mr. Babington thought that gardens should not be assessed at more than one-fourth or one-fifth of their gross produce. In Ankola fraudulent occupation and transfers were common; an attempt to equalize the assessment was more required and less objectionable. But Mr. Babington was of opinion that in the

[1] The Collector first classed the village lands under rice and garden. The rice lands were divided into three sorts, the first under reservoirs were liable to be overflowed and have the crops destroyed, but to counterbalance this they had the advantage of being convertible every second year into sugarcane plantations; the second sort lay above the level of the reservoir and was watered from it; and the cultivation of the third which was still higher depended on the usual fall of rain, and was considered the surest crop. The plots of land were measured, and one-third of the gross produce, ascertained by reaping and measurement and converted into money at moderate rates, was assumed as the future money assessment. The scale of assessment proposed for garden land was regulated by the estimated value of the produce. A certain number of trees were assumed to grow on a specified area and a fixed rate became payable on the number of *gunthas* of ground included in the garden, without reference to the number or description of the trees, or their productiveness. Secretary Board of Revenue to Government of Madras, 15th September 1831.

[2] Letter to Board, 17th June 1823. [3] Proceedings, 15th Sept. 1831, para. 59.

[4] Mr. Babington to Board, 24th August 1825.

[5] Mr. Cotton to Principal Collector, 3rd June 1825.

[6] Mr. Cotton to Principal Collector, 24th August 1825.

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inland garden districts it would be best to take twenty to thirty-five per cent of the gross produce according to the quality of the land.

The plan approved by the Board was to ascertain the quantity of the gross produce, to class the lands accordingly, and to calculate the assessment by turning into money on an average of the prices of previous years whatever proportion it was determined to take. Mr. Babington was directed to pursue his investigation, to assess a few groups at the rates he thought they were able to bear and to assess other groups on Mr. Harris's principle, and to report the results in detail. The Board at the same time reviewed the objections which had been urged against the survey. The first objection was that to equalize the assessment would change the value of private property. They replied that the inequality originated through fraud or oversight, and that there was no other way of placing the land revenue on a sound footing. The second objection was that if the assessment were fixed according to the survey many landholders would be taxed on the fruits of their industry. To this they replied that it was the same everywhere, and that the mistake to be avoided was to tax extraordinary industry. The third objection was that there would soon again be the same inequalities and the landholders would be distressed if they imagined themselves always subject to re-assessment. To this they replied that if the assessment was equal in the first instance a long time would elapse before a revision was necessary, and if proper leases or *pattás* were given to the holders, and they were led to understand that the principle was to tax the land according to a moderate estimate of its capabilities and not according to actual culture, the holders would soon come to see that the assessment could not be raised.

The Government generally approved of the views expressed by the Board, adding that the rule of taking one-third of the gross produce from all lands alike was admittedly erroneous, and had never really been acted on.[1] The main object was to regulate the assessment in such a way that there would be no inducement to abandon any particular land.

Meanwhile Mr. Lewin, the Sub-Collector, had stated that in Ankola the proprietary right belonged to Government nominally rather than really.[2] So long as the people cultivated their gardens and paid the instalments for rice lands, they could not be deprived of their holdings, and there were many lands held under grants, *shásans* and *mulpattás*, which could not be subjected to the survey assessment without practically resuming a grant or *inám*. He urged that if the assessment was changed, the new rate should be fixed on the average of collections.[3] Mr. Babington was of a different opinion. He had stated in a previous report that the assessment fixed in 1819-20 could never be raised on any estates.[4] But later enquiries led him to believe that Government was not pledged to refrain from raising the assessment when it was too low, particularly where there had

[1] Letter to Board, 28th March 1828. [2] Letter to Principal Collector, 5th Sept. 1827.
[3] Letter to Board, 15th August 1828. [4] Letter to Board, 20th September 1825.

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been fraudulent encroachments. No adjustment of the revenue could be made from the accounts, almost all of which had been falsified. Even had the accounts been genuine, the assessment fixed by former governments depended less on the value or capabilities of an estate than on the owner's influence over the chief or local officer. Instances were given of estates in Mangalor in South Kánara the assessment of which was three or four times as high as the assessment on other estates of the same description and quality. The only remedy was a survey, which would be to the interest both of Government and of the landholders.

*Riots, 1830.*

The Board, as has been stated, directed Mr. Babington to assess some groups on the principles proposed by him and some on Mr. Harris' principle, but it does not appear that these instructions were carried out.[1] Mr. Babington shortly afterwards proceeded to Europe, and Mr. Dickinson, who succeeded him, did not find time to carry on the survey.[2] Meanwhile the state of the assessment attracted more and more notice. Riotous meetings or *kuts* had broken out. Some attributed them to the failure of crops and to excessive assessment, but the Governor in Council thought the real cause was not the excess but the inequality of the assessment.[3] This inequality was said to be extraordinary and most pernicious; landholders in some places held land almost rent-free, in other places they were subject to an oppressively high demand. This state of things called for correction. Under instructions from the Governor in Council the Board prepared a statement of the assessment in 1800 with the variations after that date.[4] Among other points it was shown that during the eleven years which had passed since Mr. Harris introduced the new principle of an assessment founded on the average of collections, the settlement had not attained to his standard. The Board then stated that the information about the assessment was very imperfect owing to the defective system of accounts, and that they could not give an opinion on the subject of a survey from not knowing the bearing of the assessment. The third Member Mr. Stokes had been deputed to inquire into the state of the province, and the Board hoped that with a better system of accounts a better system of revenue management might be introduced.

*Mr. Stokes, 1833.*

Mr. Stokes also attributed to the want of accounts the difference of opinion with regard to the pressure of the assessment.[5] He explained at length his reasons for believing that the assessment was very light. He found among other things that the land was rapidly passing from the agricultural to the commercial classes, bankers, public servants, and other men of capital, who were not likely to purchase land unless they found it a profitable investment. This had given rise to the idea of a depression of the agricultural interest. In his opinion it should rather be regarded as an accession of capital likely to improve the estates and

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[1] Letter, 30th April 1827. [2] Proceedings, 15th September 1837.
[3] Letter from Secretary to Collector and Magistrate, 8th February 1831.
[4] Proceedings, 15th September 1831. [5] Letter to Board, 12th Jany. 1833.

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*Mr. Stokes, 1833.*

lighten the weight of the Government demand. He admitted that the assessments were unequal, but thought all fixed assessments, even if originally equal, had a tendency to become unequal. In Kánara, besides the ordinary causes that affected the productive powers of land and the value of produce, the fraudulent account-making of the village accountant, who till 1820, when subdividing their lands apportioned the assessment as they pleased, together with the non-specification of boundaries, tended to produce special inequalities. The first step Mr. Stokes proposed was the extension of the *tharáv* or assessment on the average of collections. He admits that this was not nicely adjusted to the circumstances of each estate or *varg*; for sometimes even the original assessment or *thist* could not be found out. In such cases the rent-produce should be calculated and a proportion taken with reference to the former assessment, the actual collections, and the rate on neighbouring estates, varying from forty to seventy per cent of the rent-produce. The survey of Sonda, Supa, and Ankola should, he thought, be completed, but only with the view of discovering the extent of land, the income of estates, the boundaries, and the rent-produce; the assessment should be framed on the same model as in other sub-divisions, and should be fixed on estates rather than on fields. The point to be aimed at was, without any material sacrifice, to remove existing inequalities so far as they interfered with the prosperity of the country and the punctual realization of the assessment. This, he thought, would be attained by adopting a maximum demand of seventy per cent and a minimum of forty per cent of the gross produce.

*Mr. Viveash, 1835.*

In 1833 Mr. Viveash[1] brought to the notice of the Board of Revenue that though the resources of proprietors were increasing and cultivation was spreading, Government were gaining no accession of revenue. His opinion was that as the original assessment was supposed not to have exceeded one-third of the gross produce, and as afterwards the greater part of Kánara was assessed at the average of past collections, the proprietors ought invariably to make good the Government demand in the first instance, and take the remainder as their share, whereas the opposite course had been followed. He thought that owing to the total want of information about estates a permanent settlement was better adapted to Kánara than any other settlement. He therefore proposed that the Government demand on estates which paid the *tharáv* or average of former collections should be made permanent, and that a permanent settlement should be introduced into the rest of the estates on the average of past collections, the waste being reserved to Government.

The Board seem not to have reviewed these various proposals for reforming the assessment till 1836.[2] It was then thought advisable to put off the final decision till further enquiry had been made. The Government afterwards complained that the arrangements for reducing the assessment to a fixed and invariable

[1] Letter to Board, 31st August 1833. [2] Proceedings, 11th January 1836.

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standard had never received the separate and detailed consideration which they required.[1] The principle on which Mr. Viveash's arrangements proceeded was not fully developed, and the necessity for a complete revision of assessment on most of the estates in Kánara remained as urgent as ever. Mr. Viveash's proposal was simply to classify estates into those paying the full demand and those paying something less than the full demand, or, as they were oftener called, *bharti* that is full, and *kambharti*, that is less than full.[2] The *kambhartis* were divided into three classes, those advancing to the fixed demand by yearly additions, those in which a permanent remission had been deemed necessary, and those under enquiry.

*Mr. Maltby, 1838.*

In 1838 Mr. Maltby, when acting Principal Collector, explained that it was constantly necessary to change estates from one class to another.[3] The reason of this was that a system of classification which was suited only to one part of Kánara had been introduced into the accounts of the whole collectorate. Lands in South Kánara on the coast were regularly cultivated, but in the inland groups and in the uplands, holdings which were cultivated and paid the full assessment one year, were not cultivated the next. He accordingly proposed a futher division into coast and inland village groups, and suggested that in the inland groups the settlement should for the time continue to be based on the produce of each estate.

*Survey, 1843.*

The Board of Revenue afterwards reviewed the history of the land assessment, and concluded that Mr. Harris had not sufficiently enquired into the circumstances of the estates, and that for this reason the *tharáv* or average payment assessment and the revision of 1832-33 had not answered.[4] Though fresh cultivation or *hoságame* was spoken of, there had been no addition to the revenue, and, generally speaking, the assessment was not in proportion to the extent of land cultivated, which explained why land was bought by merchants, public servants, and others.[5] There was a concurrence of opinion that fraudulent encroachments were not uncommon. The Board traced the assessment from the earliest times, and showed that the original demand or *rekha* was not formed on accurate data; even if the original had been accurate, the extras or *shámils* were limited only

[1] Minutes of Consultation, 16th May 1837. [2] Proceedings of Board, 16th Nov. 1843.
[3] Settlement Report, 1838-39. [4] Proceedings of Board, 16th November 1843.
[5] Mr. Blane remarked: The Board explain the term *hoságame* or new cultivation to be the reoccupation of lands belonging to holders who have deserted or become extinct. It is necessary to bear in mind that *hoságame* does not include such lands where they are registered as distinct estates, however long they may have been abandoned and left waste. Such waste-land when reoccupied is not entered as *hoságame*, but as an estate again brought under cultivation. *Hoságame* is confined to the re-occupation of Government waste land which is called *kulnasht* that is without a holder or *rekhánasht* that is without assessment, as distinguished from Government waste estates. For a long series of years all waste lands were looked upon as of so little importance that it did not signify by whom they were held. It was considered so much gained if any rent, however small, could be obtained for waste; and offers made for the exclusive privilege of grazing cattle or cutting grass were readily accepted, the land in process of time being converted into valuable cultivation either by the holders themselves or by tenants who took it from them at considerable rents. Mr. Blane to Board of Revenue, 20th September 1848.

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*Survey, 1848.*

by the ability of the people to pay them, so that the average collections or *tharáv* assessment was founded on a false basis. The proposed remedies were discussed by the Board, and it was shown that the only adequate remedy was a survey. The objections to a survey were said to be the expense, the interference with the existing state of property and with conveyances executed in anticipation of permanency, and the dissatisfaction and distrust which such interference would cause. On the first the Board remarked that the expense would be compensated by the revenue arising from concealed and misappropriated land; on the second, that Government were in no way pledged to the present state of things and that fraud and encroachments rendered a survey necessary; and on the third, that dissatisfaction would be got rid of by conciliation and decision.

The Governor in Council, in reviewing these and some subsequent proceedings of the Board of Revenue, agreed that a survey was the only way of correcting fraud and inequality. At the same time he thought that some weight was to be attached to the objection raised on the ground of dissatisfaction, and directed that no further proceedings should be taken till the Collector's opinion was ascertained.[1]

*Mr. Blane, 1848.*

In 1848, the Collector, Mr. Blane, reviewed at great length the general system of land revenue.[2] He pointed out that the country had never been so prosperous, that while, since the beginning of the century, population had nearly doubled, hardly any additions to revenue had been made, and such additions as had been made were almost wholly from the uplands, part of which had been surveyed and re-assessed. He attributed this unsatisfactory result to the great inequality by which the assessment had always been marked.[3] This inequality arose from the defective and unsatisfactory character of the earlier settlements, the subsequent settlements being framed upon them and partaking of their defects. No measures had been taken to ascertain the extent and resources of estates. Without this knowledge there could be no correct administration of the revenue. The want of such information had given the people every facility in encroaching on the rights of Government and in evading every attempt to let Government share in the growing prosperity of the country. Mr. Blane remarked that the use of the old registers had been forbidden by Tipu, that many were

[1] Minutes of Consultation, 2nd Jan. 1847. [2] Letter to Board, 20th Sept. 1848.

[3] In Mr. Blane's opinion, the real causes of the stationary land revenue were the fraudulent appropriation of waste lands belonging to lapsed estates which was carried on to a great extent; and still more the fraud of village accountants in lowering the assessment on valuable estates and imposing it either on inferior estates which could not bear it, or on land which appeared in the accounts but had no existence. A third cause was the reoccupation of abandoned arable lands whose assessment had been gradually remitted and deducted from the total, although the lands were not formally separated from the estates to which they had belonged; a fourth cause was the cultivation of waste lands never before cultivated but claimed as grazing grounds or as tree-land attached to the cultivated lands; a fifth was the concealed appropriation, without any actual claim being advanced, of lands belonging to Government such as marsh lands along rivers, particularly near the sea, and of other *rekhánasht*, or rate-less lands never before cultivated but enjoyed by the community at large. Mr. Blane, September 1848, paragraph 50.

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lost, and that the village accountants had been dismissed. Under these circumstances the people's readiest resource was to falsify the accounts. The accountants were the sole depositories of information. They and their relations were landholders, and the unsettled state of the country gave them every opportunity to relieve large landholders at the expense of small ones. Mr. Blane asserted that in his own time an accountant's papers were hardly ever correct. He could not understand how the original assessment and extras had been accepted as if of ascertained authenticity. Different degrees of improvement, it was true, caused inequality, but this did not explain all inequalities. It did not explain the fact that in some cases the original assessment or *shist* amounted to more than the whole produce. He was satisfied that long before the beginning of the Company's Government the ancient assessment had ceased to be more than nominal. He further urged that even if the data on which the average payment or *tharáv* assessment was founded had been faithfully ascertained, they would have been insufficient as the basis of a permanent tax, for the average was taken of years succeeding Tipu's government, when the country was depressed and the revenue was at its lowest. He asserted that the whole difficulty had arisen from the abandonment of the principle of levying a fixed share of the supposed produce or its equivalent in money. He put the point to be decided thus: By equalizing the assessment it is not intended to lower the revenue; in some cases therefore the assessment must be raised. Now the total, though not founded on trustworthy data, has been assumed as a limit to the public demand, and Government must determine whether they are restricted to this limitation. If they are, there is no help for the inequality. The Board had urged the retention of the maximum except in cases of fraud, but owing to the total ignorance of the Government officers respecting holdings or *vargs* fraud could only be proved inferentially by assuming that a given quantity of land should bear a given amount of assessment which would be equivalent to an entire reassessment. For the same reason encroachments could not be discovered without a survey. No other of the remedies proposed could have any effect but a general survey founded on an entire measurement of lands. It was too late to register the produce of litigated estates, and besides encouraging amicable suits to defraud Government this would never have given information regarding all estates. The system of fixing the assessment on a field by the amount of seed used in sowing it, was so indefinite, the standard of measurement varying in almost every village, that landholders aided by the courts could always defeat the revenue officers.[1] Had

[1] Mr. Blane wrote, 20th September 1848: This seed or *bijvári* system is sufficiently definite to serve the purpose of the people in transactions among themselves, and, at the same time, sufficiently indefinite to enable them, aided by the courts of law, to oppose the revenue officers. There is no standard measurement for fixing the area which a *muda* or a *khandi* of seed can sow. It not only varies in nearly every village-group, but varies also for the different classes of land. Each sub-division has three or four modes of calculating the area by which the *muda*, under the names of *kimcha muda, ajul muda, stul muda, bej muda,* and *sunna muda*, varies from sixty, fifty-six, fifty-four, fifty, forty, to thirty *shers*. In some villages the area is calculated by *coilus* of five *shers* each, and in others by a measure called a *pudupadi* of thirty

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the system been devised for the very purpose of defeating scrutiny, it could not have been more effectual. An attempt to revise it could not have any effect. Even a partial survey, a measurement of estates under investigation, would do more harm than good. No one knew the boundaries. A loose rein would be given to corruption and intrigue, and encroachments would be confirmed. It had always been the intention of Government to effect a settlement which it could pronounce permanent, but sanction was withheld from every proposed scheme owing to the want of accurate information. The only way of gaining accurate information was by a general survey. This measure, instead of overthrowing the ancient principle, as Mr. Blair had said, would restore it. Mr. Blane admitted that complicated arrangements had been made on the faith that the average payment or *tharáv* assessment was final, and, although the Board had stated that Government were in no way pledged to the present state of things, yet, owing to the length of time which had been allowed to pass without a real revision, a reassessment founded on a survey would create discontent, and disturb the existing relations of landed property.

Another branch of the subject which in Mr. Blane's opinion showed the necessity of a survey was the wholesale enclosing of Government waste in private estates. The extent of the Government right in the forests and wastes had never been clearly defined, and extensive tracts had by degrees been included by persons whose right to the land was extremely doubtful.[1] It was partly on waste estates, but more on the rate-less or *rekhánasht* waste that encroachments had been made. Government waste land which at the low rate of the Bednur assessment had paid a rental of £60,000 (Rs. 6,00,000) had almost all been appropriated. This appropriation of waste seems to have been entirely lost sight of at the time of the average payment or *tharáv* settlement. There was no record to show in what sub-division or villages the waste was situated, and the few old accounts, through which this might have been ascertained, were lost, burned, or destroyed. Not only was no account of the waste taken when the average payment or *tharáv* settlement was made, even since that settlement the occupiers of estates had helped themselves to the waste without check or restraint. The landholders' theory which had practically been adopted since the average payment or *tharáv* settlement had been introduced was that their estates included not only the land which was in cultivation at the time

*shers*. In Honávar it is calculated by a measure called a *hussigi*, and in the uplands by the large and small *khandi*, the small *khandi* being twelve *kacha shers* of twenty-four rupees' weight or three *pakka shers* of seventy-two rupees, and the large *khandi* being equal to twenty of the small. The *sher* again by which these *muddis* are reckoned is equally uncertain, varying from ninety-six to seventy-two rupees' weight. These various measurements afford ample room for dispute and doubt as to the area of a man's holding, and when they are taken in conjunction with the complicated local village rates by which the rent-produce is calculated, the whole subject becomes involved in such a maze of obscurity that any attempt at revision by which the objections of the landholders, purposely raised and persisted in, shall be satisfied, becomes all but hopeless.

[1] From Mr. Blane's letter of 20th September 1848; Letters relating to the Early Revenue Administration of Kánara, pp. 190-200.

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of the former settlement but tracts of waste of two descriptions, waste lands which had fallen out of cultivation in former times, and immemorial waste which had never been under tillage. They alleged that they had a right to bring under cultivation both of these kinds of waste without any additional assessment. They asserted that the total Government demand was fixed on the entire estate, including lands of every description. Of these waste lands there was no account or record, and even of the cultivated lands, as they stood at the beginning of the Company's Government, the only record was an account called the *durmoty chitta*, which was a seed statement of the lands under cultivation in the second year of the Company's Government. This statement was said to be only an estimate, and was not admitted to be a correct or authentic record, or one which could be used as a practical check.

With respect to the arable waste, assuming that it originally formed part of the holding or *varg* by which it was claimed and that no additions were made to it from lapsed estates or from Government waste lands, Mr. Blane held that the original assessment or demand on the estate might be assumed to represent the Government share of the produce of those lands when under cultivation. It was known that very large remissions were made and continued to be made on account of waste portions of estates, and where the assessment was fixed solely with reference to the collections these remissions would be excluded from the average and the rent would be permanently reduced by the amount of temporary remissions. At the average payment settlement no provision was made for reimposing this assessment when the lands were again tilled, nor was the waste land separated from the estate. The waste continued to be attached to the estate, and, when it was again brought under cultivation, it may be said to have been enjoyed free of rent. Mr. Blane believed that in fixing the average payment demand it was the intention of Government that increased cultivation within the limits of estates should not be charged, and that the holders should have the full benefit of all the lands they might bring under cultivation. This was done under the impression that these lands bore some kind of adequate assessment. Neither the extent of the waste nor the importance of the question had been understood.

The question of immemorial waste attached to estates was distinct from the question of waste lands once under tillage. It was to the incautious admission of, or at least to the failure to oppose, the claim to immemorial waste that the absorption of nearly all the rate-less or *rekhánasht* Government waste was due. Considerable tracts of such waste land were attached to many estates, some of it being arable and some of it hilly or stony incapable of improvement. These waste areas were often termed *kumaki* or auxiliary that is land granted to help cultivation. They were intended to provide the landholders with leaf manure and to furnish fodder for their cattle. Originally they seem not to have differed materially from the waste lands used for similar purposes in other parts of the country, except that, instead of being common to the village, they were divided and enjoyed in separate portions by individual

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landholders. Mr. Blane considered that they were originally held essentially as an adjunct to, and in connection with, the cultivated lands. He thought that the right to them was a modified right, to be enjoyed only for the purposes for which they were held. The use of these lands for such purposes was a necessary concession. They were not on that account the less Government lands, only lands which neighbouring landholders were allowed to use for particular purposes.

If this was the original tenure under which these waste areas had been held, it was entirely changed under British administration. The holders claimed the same proprietary right in the waste as in the cultivated land, and, as a consequence, claimed the right to bring them under tillage without the payment of additional assessment. They even claimed the right of selling or letting them, and thus if they chose, separating them from the cultivation, and alienating them from their original uses. Another effect of such a tenure was that even where the lands were greatly in excess of the quantity necessary for the purposes for which they were intended, the holders could prevent others from taking them on a fixed assessment payable to Government, and the person who took the land paid the rent to the landlord, not to Government, and was in every respect his tenant. Though the right to cultivate such lands was not admitted in theory, it was, as a rule, enjoyed in practice for the simple reason that Government did not know the extent of the original estates, and could not tell what was new cultivation and what was old. Mr. Blane set his face against the admission of these claims. But lands, which were formerly brought under cultivation in this manner, were beyond recovery, and nearly every case in which it was attempted to restrain these encroachments involved a protracted contest, and the certainty of having to defend a law suit if there were the most slender grounds for disputing the award.

The forest and wood land held for wood-ash or *kumri* tillage was of much the same nature as the leaf-manure land. The landholders claimed the exclusive right of cultivating them, of renting them, or of selling them and their produce, in every respect in the same manner as their old cultivated lands, upon which, according to Mr. Blane's view, an assessment was alone fixed. Light is thrown on this subject, and on the manner in which the people of Kánara quietly made new rights for themselves, by referring to the terms in which public grants and private deeds were worded under the former government and under the Company's rule. From ancient documents it appears that in former times estates were not the undefined tracts of mixed cultivation and waste, which they were afterwards made out to be. There was no room for doubt as to what was granted. The government was careful to define the exact limits of the land, appointing a person from head-quarters to plant boundary stones in the presence of the inhabitants of the four surrounding villages, so that no dispute might arise respecting the boundaries. The deed usually ran: 'You are to enjoy the said land with all the eight rights together with all extras arising

therefrom.'[1] These are the terms of a deed executed in 1730 by one Krishnappa Karnik, making over lands originally granted to his ancestors by Keldi Basvappa Náik about 1704. There is no mention of forest or of waste lands. The terms of a deed by which the very same land was transferred in 1837 are: 'You are henceforward, as full proprietor, to enjoy the land, the site of the house together with the forest uplands, and the eight rights.' The additional terms introduced are most significant. It was not without a purpose that they found their way into this and similar deeds, and that purpose was to create a right to additional land, for which there was no authority. Yet it was by such documents that for nearly half a century the people had transferred lands which did not belong to them; and that the courts had confirmed by decrees founded on the terms of these deeds the alienation of land which belonged to Government. Under this state of things the functions of the revenue officers were to a great extent transferred to the courts. A Kánarese landholder of ordinary intelligence who wished to take new land did not think of going to the Collector. He had a variety of better plans by which he secured the land for nothing. One very common device was to get a neighbour to sell or mortgage the land and then by a fictitious suit have the transfer confirmed by a court decree. In other cases the accountant who examined the land was bribed to enter the spot coveted as within the estate of a particular party and this entry was produced years after. It is impossible to describe the cunning with which evidence was got up, not only in the revenue department but before the police.

When it is considered that this system went on from the beginning of the Company's rule, it may be imagined to what an extent Government land was appropriated. The abuse arose from the want of any public record of the extent of each man's holding. In suits between individuals the rights of Government did not come under discussion, and the production of an admitted sale or mortgage deed or other evidence of a like nature always led to the land being decreed to one party. The simple rule that a man had a right only to as much land as he paid for was never applied to Kánara, nor was there any rate or rule of assessment by which the Collector could determine whether a holder had more or less land than he ought to have, or by which he could recover or reassess the extra land. It was of no use to tell a landholder, 'You have three or four times as much land as you pay assessment for.' The answer was, 'It is within the limits of my holding.' Or the claimant produced some paper or the evidence of friendly neighbours to prove that the land was his, and if the claim was resisted there was the ready resource of carrying the case into court.

Mr. Blane cited the following instance as illustrating the lax system of land management and the urgent need for reform. In Mangalor sub-division, Hari-Kullah village-group, Bunger-kolur

[1] The eight rights are: *Ágámi* future rights, *akshini* present rights, *jala* water, *nidhi* treasure-trove, *nikshepa* deposits, *pdshán* rocks and minerals, *sádhya* produce, and *siddhi* cultivated land. Wilson's Glossary, 36.

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village, number 18 was divided and a portion transferred, leaving as the old holding 6½ *mudás* assessed at about £1 12*s.* (*Huns* 4). In 1814, the holder Sha Biri had mortgaged to one Luka Náik, a portion of the estate which yielded a yearly produce worth £21 (Rs. 210). A suit arose out of this transaction which came before the District Court in 1819, and subsequently by appeal before the Provincial Court. During the hearing of these cases two old documents were produced, one purporting to be a grant by the local chief about ninety years before, and the other a sale-deed by one Mathes Náik to Sha Biri in which the purchase-money is stated at £14 (Rs. 140). In these two documents certain boundaries were mentioned, and a deed of acquitance or *rájináma* having been tendered, the Provincial Court accepted it, and directed its terms to be enforced. This order was carried out in 1835. In 1837 a complaint came before the Magistrate regarding the right to certain grass land, and, after various inquiries and reports by the mámlatdár, the Sub-Collector, Mr. Maltby, examined the land, and wrote an order stating that the land in dispute, as well as some other land which had been cultivated, appeared to belong to Government and directed it to be measured. The measurements showed that the original holding of 6½ *mudás* had developed into an estate of 62¾ *mudás*. Mr. Maltby decided that part of this extra land was Government waste and he ordered the mámlatdár to take offers for its cultivation. One Shaker Ali offered to take the waste land on an assessment of about £10 (Rs. 100). An order was issued that the offer would be considered at the rent settlement time, and that meanwhile the grass on the disputed land should be sold on public account. The holder continued to press his claim to the whole of the land before different officers who had charge of the division, and various orders were issued which prevented Shaker Ali's offer being accepted. This state of things lasted for seven years, during which the grass was sold on Government account, and realized considerably more than the entire assessment of the estate. In September 1846, Mr. Reade, the Acting Sub-Collector, inspected the place, and, apparently with reference only to the old documents mentioned above, pronounced the whole of the land to belong to the holder of the number, and wrote to the Collector reporting this and requesting that all the money which had been realized on the grass might be refunded. This was objected to on the ground that Mr. Reade ought not to have upset the decision of a former Sub-Collector, and upon the suspicious appearance of the old documents on which the whole claim rested. A particular report of his reasons was called for, but this was never furnished as he was soon after transferred to another division. Meanwhile, notwithstanding Mr. Maltby's decision that most of the land was Government property, the estate was sold to a wealthy Christian merchant in Mangalor, Juan Salvador Coellio, for £230 (Rs. 2300), and the sale deed was registered in court. In this deed 'The whole of the land with the garden, salt-marsh, waste land, and house,' according to the Provincial Court's decree, was named, with the exception of two *mudás* which were left for the support of a female relation of the former holder. The purchaser applied to the mámlatdár to have the

holding entered in his name and the mámlatdár referred him to Mr. Maltby's order. The holder rejoined by referring to the decree of the court, and reiterated his demand. In 1848 the case was still under dispute, and the purchaser enjoyed the whole of the estate except the grass land.

With reference to the documents upon which the Provincial Court's acceptance of the acquittance deed was founded, and by which land more than eight times the extent of the original holding was made over to the claimant, it appeared on examination that the first was only a pretended copy of a permanent lease or *mulpatta* granting land to a temple in the village of Porakudi, whereas the land in question was in the village of Bunger-Kollur; and the deed was produced by a Moplah, Sha Biri, who purchased the land from a Native Christian, Mathes Náik, who produced it as a grant to himself. No one appears to have enquired whether the chief had any power to make such a grant; or how, if he had granted land to a temple, it could have come into the possession of a Native Christian; or how a document referring to land in one village could prove any right to land in another village. The Provincial Court appears to have merely looked to the acquittance tendered by the parties, and confirmed it. The revenue authorities were not consulted, nor, if they had been, was it probable that there would have been any different result under the lax system which always prevailed in Kánara, where there were no rates of assessment, nor any public record of the extent of each man's holding.

In Mr. Blane's opinion this case gave important evidence of the difficulty which revenue officers had to contend with in upholding the rights of Government without subjecting themselves to be dragged into court, a course which the want of any rule of assessment and the undefined extent of estates put it in the power of every one to take. Other points on which, in Mr. Blane's opinion, this case threw important light, were the want of information regarding the resources and extent of estates. When the average payment or *tharáv* settlement was made a remission was granted on an estate paying about £1 12*s.* (Rs. 16) where the net produce was admitted to be equal to about £38 (Rs. 380) and probably much exceeded that amount; secondly, the kind of documents which it was the practice of the courts to admit as evidence of proprietary right and the manner in which the rights of Government were compromised by decrees in private suits where the public claims were not represented; thirdly, the unequal division of the public assessment upon separate portions of estates when divided, an assessment of about £3 4*s.* (Rs. 32) having been apportioned by putting about £1 4*s.* (Rs. 16) upon three *mudás* of land, and leaving 59 *mudás* assessed at only about £1 12*s.* (Rs. 16); fourthly, the confidence with which the people looked to the courts as a means of defeating revenue orders, as shown by a person paying the large sum of £230 (Rs. 2300) for land the greater part of which had been declared not to belong to the person disposing of it; fifthly, the manner in which the want of any rule for the disposal of such cases enabled the people to prolong the most simple questions through a succession

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of years, and take them from one public officer to another, in the hope of eventually obtaining a favourable decision and at all events of reaping the advantage of delay.

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On this and other evidence which Mr. Blane laid before them at great length the Board agreed that a survey was required before the revenue system could be placed on a satisfactory footing. At the same time they thought that it would be enough to sanction a small establishment under the Collector to survey, where a survey was necessary.[1] Referring to the numerous transfers of property which had taken place on the faith of the state demand remaining unchanged, and the serious evils which would arise from any general interference with the present settlement, they thought that the average payment or *tharáv* assessment should not, as a whole, be disturbed. In cases of obvious abuse, the assessment should be revised, but the demand should not exceed one-fifth of the gross produce. They also remarked that the claims of the people to waste should be treated liberally, and laid down a rule for determining when interference was unnecessary and when additional land would not be allowed without additional assessment. Separate minutes were recorded by Mr. Goldingham and Mr. Blane.[2] The purport of Mr. Goldingham's minute was, that on the whole the state demand had reached a maximum; that the claims of the people who say that all lands, whether cultivated or not, are included in their holdings or *vargs*, should be treated with liberality, as they were never questioned before the average payment settlement; and that while a register of lands was desirable and could not be made without a survey, the people should not be alarmed, and Government should declare it was not their intention to raise the assessment generally. Mr. Blane, who had become a member of the Board since he had written his report, said that the objection to a survey was its expense, that a small establishment under the Collector might measure some lands, but that the average payment or *tharáv* settlement should not be generally disturbed. The Government reserved their decision till the opinion of Mr. Elliot, the first member of the Board, who was then on a special commission, had been ascertained.[3]

*1851-1862.*

Of the revenue administration of the district between 1851 and 1862, when it was handed over to Bombay, there is little to be said. Mr. Maltby had remarked that if a scientific survey was introduced a classification of the land and an acre assessment should supersede the principle of computing the Government demand from the gross produce.[4] He showed that if the principle on which the Government accounts were prepared, of taking one-third of the gross produce, were carried out, the result would not be doubtful. Nothing came of the proposal, and until the transfer of the district to the Bombay Presidency no important change was made in the assessment, though it was generally admitted that it was as unsatisfactory as it well could be. In 1853, Mr. Maltby, the Collector, proposed to assess lands

[1] Proceedings, 8th May 1851. [2] Proceedings, 8th Novr. 1850 & 25th Mar. 1851.
[3] Minutes of Consultation, 29th May 1851. [4] Letter to Board, 7th Octr. 1850.

newly taken up from Government waste, and lands already taken up but discovered to be liable to assessment, according to the quality of the soil.[1] The Collector's proposal was approved and he was asked to explain how he intended to ascertain the capability of the soil.[2] He proposed to take one staple product and estimate the quality of the land from its capability to produce this staple, and this course received the sanction of the Board.[3]

Bombay Survey, 1862-1882.

Since the transfer of North Kánara from Madras, operations have been in progress for introducing the Bombay survey settlement. Of the changes in the ordinary practice which the peculiar character of the district required Colonel Anderson, the Survey Commissioner, has given the following account: The feverishness of the climate limits survey operations to three or four months in the year. The shortness of the surveying season makes it necessary to deal with a sub-division piecemeal.[4] Though progress is slow this system has certain advantages. In the unsurveyed parts of Kánara there is no real identification of lands in the Government records. All that is known is the sum each landholder, *khátedár* or *vargdár*, has to pay. Any attempt to fix boundaries gives rise to disputes. These disputes come up at the time of measurement and the limits of the lands of the several holders are marked off. These limits are often unknown to the holders as the lands are commonly held by tenants, who till parts of two neighbouring holdings, paying to each holder a certain fixed rent or share of the produce. The limits of holdings which have been fixed at the time of the measurement come under review a year or two afterwards at the time of the classification. The holders meanwhile have the opportunity of bringing to notice any error that may have been made in the original boundary settlement, and any change that seems called for is made by the classing officer. Finally, a few months before the settlement is introduced, the village map, on which every holding is shown as a survey field, and a list of the survey fields with the reputed holder of each, are given to the mámlatdár, some of whose clerks, in company with the village officers and landholders, inspect every field, and enter the holder of each field in the Field Inspection Book. This minute inquiry raises a crop of disputes. Some are at once inquired into and settled by the survey officer. Where he fails to bring the parties to agree the dispute is referred to the mámlatdár, who visits every village for the purpose of settling disputes, and to test the field inspection returns which his clerks have made out. Any boundary changes which the mámlatdár finds necessary are reported to the settlement officer and carried out by him. The settlement is made on the papers drawn up and checked under the mámlatdár's responsibility. In cases of aggravated dispute, the mámlatdár makes full notes on the spot and brings up the question for disposal at the settlement. The result of this method is that in the lowlands, where land has a high value and is much subdivided,

[1] Letter to Board, 12th February 1853. [2] Proceedings, 28th April 1853.
[3] Letter to Board, 8th June 1853; Letter, 7th April 1853.
[4] Survey Commissioner's Letters 465 of 4th April 1877, and 411 of 20th April 1878.

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Bombay Survey, 1862-1882.

the preparation for the settlement of twenty or thirty villages, a mere fraction of a sub-division, keeps the mámlatdár busy for three or four months. He knows that this field inspection gives an opportunity for clearing disputes, and that if he does not take advantage of this opportunity, he will be found out at the settlement or still worse after the settlement is over. Therefore the mámlatdár takes pains to make the field inspection complete and to ensure that the records based on the survey are accurate. The consequence is that after the settlement disputes about lands and their boundaries except cases of disputed title which can be decided only by the civil courts, are very uncommon.

Under the former system of revenue management the unit was the account or *varg* in the Government books. One account or holding generally included several detached plots in one village, and often included lands in more than one village, and even in more than one sub-division. Of the precise situation or nature of the lands forming one holding or *varg* even in the same village there was no trustworthy record, the village accountant and the persons concerned alone professed to know. Of the share of assessment due on the several fields or several detached plots of land comprised in the holding there was no record. Government land was often appropriated without any addition to the land-tax, and the assessment of holdings bore no proper proportion to the capabilities of the land. Under the new or survey system every holding was kept carefully distinct. It was divided into separate survey fields or numbers of moderate and convenient size, each of which was separately assessed, due regard being paid to the boundaries of the sub-divisions of the holding. The assessment was based on a moderate proportion to the productiveness of the soil. In ordinary cultivation and in ordinary seasons, it did not exceed an eighth or a tenth of the gross produce; and in the superior and highly tilled lands, the proportion was considerably lower. The holding thus remained intact, but was divided into a number of separately marked and assessed units or survey fields which the holder could keep, give up, or dispose of at his pleasure. In this respect the landholder greatly gained. Waste land, the sole property of Government, was divided into arable and forest. Of the arable waste, unless it was wanted for any Government purpose, so much as was required to meet the probable spread of tillage was split into survey fields and assessed. The forest waste was surveyed in large blocks and placed at the disposal of the forest department. Considerable areas were set apart for grazing, but grazing privileges were always recorded to be granted during the pleasure of Government, so as not to prevent the grazing land being changed, should at any future time such a course seem desirable. Forest rights in grazing lands were strictly reserved to Government.

*Survey System.*

*Opposition in Kárwár, 1870.*

Between 1864 and 1867 the revised assessment fixed by the revenue survey was introduced without opposition into 199 villages and hamlets in the sub-divisions above the Sahyádris.[1] In 1870-71 the rates of

[1] Survey Commissioner's Memorandum, 1070, 9th October 1871.

assessment fixed by the survey were given out in eighteen villages of Kárwár sub-division on the coast close to Kárwár town. In these villages through a long series of years probably from the beginning of British rule, fraud and corruption had deprived Government of their proper share of the land revenue. In 1871 the coast landholders combined to question the right of Government to revise the assessment, and filed about 500 suits. Agents of this combination were sent to Sirsi to persuade the landholders in the eighty-four Sirsi villages, into which revised rates had been introduced in 1870, to join the Kárwár league; but they failed to get more than ten supporters. The rates of assessment fixed for the Kárwár villages, considering the advantages of their situation, were very low, far lower than the rates imposed and accepted in other parts of the district. It was felt that, whatever might have been the origin of the old corrupt assessments, it would be inexpedient at once to demand all that Government were entitled to demand; that for the first settlement a moderate rate should be imposed as a compromise, leaving the attainment of full rates to a revision at the end of thirty years. The new rates of assessment would more than double the revenue on the eighteen villages to which they were applied. As regarded individuals, the incidence of the new rates varied greatly. Many of the poorer and less influential cultivators found their assessments materially reduced; in some cases the new assessment was not more than one-fourth, and in many cases it was not more than one-half of what was formerly paid. On the other hand the larger and more influential landholders found their assessment much increased. In some cases the former assessments were nominal without the shadow of an assignable reason. The new assessment was communicated to the landholders at the end of March 1870 by the Acting Collector, Mr. Elphinstone, and the Survey Commissioner. There was some vague petitioning and general denial of the right of Government to re-assess the land. At first many of the more influential landholders refused to attend the settlement. But finding that the plea of absence would not avail them, the number of absentees became smaller and the spirit of opposition seemed to have abated. For a few days after the settlement there was some talk of organized opposition through the courts of law. An attempt was made by the larger landholders to raise a general defence fund, but for some reason this plan fell through. The Collector and the Survey Commissioner were told that the mass of smaller landholders had come to the conclusion that they had better leave well alone, and there was every hope that the opposition would die out, especially as report said that a legal opinion taken by the malcontents had been unfavourable to them. Matters remained quiet till about the end of January 1871, when rumours began to arise of an intended combination to dispute the right of Government to revise the assessment. When the first instalment of the new assessment fell due, payment was refused not only by those whose assessments had been raised, but also by those whose assessments had been lowered, and in the course of the next two months a large number of suits were filed against Government denying the right of Government to revise the assessment and asserting that the former rates were permanent. The litigants based this

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claim on isolated expressions in proclamations and notifications issued in the first quarter of the century. The Survey Commissioner held that there was no just ground for this claim, and that during the sixty years they held North Kánara, the Madras Government never in any way admitted that they had not power to revise the assessment. On the contrary they had persistently asserted this right. In some parts of North Kánara revised rates were introduced and for the rest of the district they had often under consideration the most expedient mode of effecting a revision. The Bombay Government based their right to revise the assessment on the inherent right of Government to regulate taxation, as expressed in sections 25 and 26 of Bombay Act I. of 1865. The plaintiffs denied this right, and asserted that the existing assessments were permanent.

Under these circumstances the Revenue Commissioner authorized the Collector to allow any portion of the assessment which might be in excess of a permanent lease or *mulgeni patra* older than the transfer of Kánara to the Bombay Government to stand over, pending inquiry.[1] The formal agreement in each case was to be produced and authenticated to the satisfaction of the Collector or of an officer deputed by him. All other landholders were given the option of resigning their lands and paying for the current year 1870-71 assessment at previous rates, or of paying the full survey rates if the land was not resigned within a certain date. In case of persistent refusal to resign or to pay the survey assessment the Revenue Commissioner desired the Collector to proceed to distrain by notice and sale of land, as provided by the rules framed under section 31 of Bombay Act I. of 1865.

This Kárwár opposition resulted in the great Kánara land case which was decided in May 1875 by the Bombay High Court. The decision was on every point in favour of Government.[2] An appeal to the Privy Council followed but was not prosecuted. The agitation died out and the main question of the general right to revise the assessment was set at rest.

*Concessions.*

To lighten the pressure of the enhancement in individual cases Government sanctioned certain concessions.[3] The holder of land uncultivated at the time of the settlement, so long as the land remains uncultivated, can keep the right of occupancy up to five years after the settlement on paying an eighth of the full assessment. This concession applies only to the Kánara lowlands and in them only to holdings in any one village which pays an assessment of more than £2 10s. (Rs. 25). It was never the practice to recognise the right to hold land, whether cultivated or not, without paying the assessment. In former times large landholders had appropriated much land to which they had no title. This appropriation was still more general while the survey was going on. Every holder was allowed to point out the limits up to which he claimed, and these claims were admitted without question so long as no counter-claim

[1] Revenue Commissioner, 1164, 27th March 1871.
[2] Bombay High Court's Reports, XII. Appendix, pp. 1-124.
[3] Government Resolution 5573, 31st October 1874.

was set up, or there appeared to be no reason to reserve the land on behalf of Government. No immediate payment was incurred on this land as the old assessment remained unchanged till the settlement, and, at the settlement, there was always the option of resigning an entire survey field. Thus land was widely claimed without any former right and without the immediate intention or the ability to bring it under tillage. Large landholders were specially anxious to keep their tenants from becoming occupants under Government, as this would reduce the competition for their land and would lower rents. A second concession was that in all holdings paying a survey assessment of more than £2 10*s.* (Rs. 25), if the increase of assessment exceeded fifty per cent, only fifty per cent increase on the old assessment should be paid in the first year, an additional twenty-five per cent in the second, and in the third and following years the whole of the increased assessment. This concession was necessary as much cultivated land in the more outlying parts had hitherto paid a nominal land tax.

*Results.*

As there is a considerable difference in the country above and below the Sahyádris, the incidence of the land-tax is shown separately for these two main divisions of the district. Below the Sahyádris, the average new or survey acre rate is, on garden land 15*s.* 2½*d.* (Rs. 7-9-8), on rice land 6*s.* 11½*d.* (Rs. 3-7-8), and on dry-crop land 11¾*d.* (7 1/16 *annas*). Above the Sahyádris the average acre-rate on garden land is £1 2*s.* 10½*d.* (Rs. 11-6-9), on rice land 4*s.* 5½*d.* (Rs. 2-3-5), and on dry-crop land 9*d.* (6 *annas*). The conditions above the Sahyádris are better suited to the growth of the most valuable garden crops and the average rate on garden lands is therefore higher above than below the Sahyádris. Much of the rice-land both above and below the Sahyádris bears sugarcane in occasional rotation, and, below the Sahyádris, a second crop of rice or of pulse is common.

Up to December 1882 there have been surveyed and settled the sub-divisions of Yellápur with 173 villages, Kárwár with sixty-one villages, and Kumta with 218 villages; 243 villages out of 271 in Supa, 201 villages out of 295 in Sirsi, and thirty-seven out of 142 in Honávar. The Siddápur sub-division is alone untouched. Except in Supa where details of the old assessment are not separately available for each block the result of the survey settlement has been to raise the assessment from £4967 to £10,704 or 115·50 per cent in Kárwár, from £14,493 to £19,760 or 36·34 per cent in Ankola and Kumta, from £6187 to £6969 or 12·63 per cent in the thirty-seven settled villages of Honávar, from £5703 to £9298 or 63·03 per cent in Yellápur, and from £7502 to £10,567 or 40·85 per cent in the 201 settled villages of Sirsi.

The following statement shows the progress of the settlement to the 31st of December 1882: